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8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

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14 UNITED STATES OF AMERICA,) No. CR 06-0720 MAG
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER TO EXCLUDE TIME
17 ROBERT DOMINGO VARGAS) SAN FRANCISCO VENUE
18 a/k/a: Abel Vargas,)
19 Defendant.)

20 On November 1, 2006, the parties in this case appeared before the Court for an
21 Initial Appearance. At that time, the parties stipulated that the Initial Appearance would
22 be continued until November 1, 2007, and that time should be excluded from the Speedy
23 Trial Act calculations from November 1, 2006 to October 31, 2007, for the deferral of
24 prosecution. See 18 U.S.C. § 3161(h)(2). The parties agree that pretrial diversion is an
25 appropriate disposition of this case and that – taking into account the public interest in
26 prompt disposition of criminal cases – good cause exists for this extension.

27 The United States has referred Mr. Vargas to Pretrial Services for an intake evaluation.
28 If Mr. Vargas meets the qualifications set forth by Pretrial Services, it is anticipated that he will

1 be placed on pretrial diversion for twelve months. Accordingly, the parties agree that the
2 prosecution will be deferred for a twelve-month period of time for Mr. Vargas to demonstrate
3 good conduct under the conditions of a pretrial diversion program.

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5 **IT IS SO STIPULATED.**

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Respectfully submitted,

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KEVIN V. RYAN
United States Attorney

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DATED: 11/02/06

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/s/ Derek R. Owens
DEREK R. OWENS
Special Assistant U.S. Attorney

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DATED: 11/02/06

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/s/ Daneil P. Blank
DANIEL P. BLANK
Attorney for Defendant Vargas

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15 As the Court found on November 1, 2006, and for the reasons stated above, the
16 Court finds that an exclusion of time between November 1, 2006 and October 31, 2007 is
17 warranted and that the ends of justice served by the continuance outweigh the best
18 interests of the public and the defendant in a speedy trial. IT IS HEREBY ORDERED that
19 time is excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(2) from November
20 1, 2006 to October 31, 2007, for deferral of prosecution by the United States for the purpose of
21 allowing the defendant to demonstrate good conduct under the conditions of a pretrial diversion
22 program.

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IT IS SO ORDERED.

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DATED: 11/6/06

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EDWARD M. CHEN
United States Magistrate Judge